

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the License )  
to Conduct Gambling Activities of: )  
 )  
Kelly Bang )  
Maple Valley, Washington, )  
 )  
Licensee. )

NO. CR 2011-00068

**NOTICE OF ADMINISTRATIVE  
CHARGES AND OPPORTUNITY  
FOR AN ADJUDICATIVE  
PROCEEDING**

I.

The Washington State Gambling Commission issued Kelly Bang license number 68-28872, authorizing Card Room Employee activity formerly at Roxy's Casino and Magic Lanes, both in Seattle. The Commission issued this license, which expires on December 19, 2011, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Kelly Bang with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

**SUMMARY:**

On December 17, 2010, Kelly Bang was charged with First Degree Theft. On March 3, 2011, Mr. Bang pled guilty to Second Degree Theft. Mr. Bang took \$10,303 in cash while working as the Financial Manager for a motorcycle dealership.

**FACTS:**

On February 7, 2011, Kelly Bang was served with Findings of Fact, Conclusions of Law and Order of Summary Suspension, which included the following allegations:

1) On December 17, 2010, Kelly Bang submitted a Card Room Employee application and disclosed the following criminal history:

- a) 2008, traffic/speeding ticket, paid fine;
- b) 2009, speeding, paid fine; and
- c) "12-2-10 Arrested- No charges suspicion of theft," "Released- no charges filed 12-4-10."

2) Commission staff sent Mr. Bang's fingerprint cards to the Washington State Patrol and the FBI for review of his criminal history. Additionally, Commission staff did a background check on Mr. Bang and there was no additional information from what Mr. Bang disclosed on his application. Therefore, based on the information known at the time, on December 21, 2010, Mr. Bang was issued a Card Room Employee license.

3) On January 6, 2011, Commission staff received information from the Washington State Patrol and FBI that Mr. Bang was charged with First Degree Theft. As a result, a Commission Special Agent (agent) requested and received court documents on Mr. Bang's pending First Degree Theft charge.

4) The Information filed in King County Superior Court on December 17, 2010, charged Mr. Bang with First Degree Theft and alleged:

- a) Between September 4, 2010, and October 7, 2010, Mr. Bang with intent to deprive another of property, cash payments, did wrongfully obtain such property belonging to Downtown Harley Davidson.
- b) The thefts were a series of transactions that were part of a criminal episode or common scheme or plan with the value of the property taken exceeding \$5,000.

5) The Probable Cause filed in King County Superior Court on December 17, 2010, states:

- a) Mr. Bang worked for Downtown Harley Davidson (in Renton) as a Financial Manager for eight months. Mr. Bang would handle the financial part of agreements (deals) that a salesperson would make with customers.
- b) Mr. Bang was required to immediately electronically document the amount and types of payment received for the deals and place the payment (usually cash or checks) in a safe for the accounting department.
- c) After Downtown Harley Davidson terminated Mr. Bang, another Financial Manager for the business discovered that on three occasions when Mr. Bang received cash payments from customers he did not document the cash payments or turn in the cash to the accounting department. Additionally, Mr. Bang attempted to cover up a shortage for a \$5,000 cash deal by taking a check from a different customer, who dealt with a different Financial Manager, and applying it to his cash deal.
- d) The missing cash totaled \$10,303.

6) After service of the Summary Suspension, staff became aware of the following facts, and obtained and reviewed court documents from the King County Superior Court:

- a) On March 3, 2011, an Amended Information was filed in King County Superior Court charging Mr. Bang with Second Degree Theft.
- b) Also on March 3, 2011, a Statement of Defendant Plea of Guilty was filed in King County Superior Court. Mr. Bang pled guilty to Second Degree Theft and stated that while employed as a financial representative, he wrongfully took cash totaling \$10,303 that belonged to Downtown Harley Davidson.

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- c) On March 21, 2011, a Judgment and Sentence Felony was filed in King County Superior Court. Mr. Bang was sentenced to pay \$10,803 in restitution, which includes additional fees assessed by the court. He was sentenced to 15 days confinement in jail with 12 of those days converted to 96 hours of community service, and he cannot have contact with Downtown Harley Davidson for five years. This document also shows that Mr. Bang paid restitution in the amount of \$10,303.

## **VIOLATIONS:**

### **RCW 9.46.075 Denying, suspending, or revoking an application, license or permit.**

The Commission may revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.
- (10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

### **WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.**

We may revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

### **RCW 9.46.153(1) Applicants and licensees- Responsibilities and duties.**

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Mr. Bang poses a threat to the effective regulation of gambling, or increases the likelihood of unfair or illegal practices as demonstrated by his Second Degree Theft conviction for taking \$10,303 from Downtown Harley Davidson while working as their Financial Manager.

Mr. Bang pursued economic gain in an occupational manner that creates probable cause to believe that his participation in gambling or related activities would be detrimental to the operation of gambling activities.

Kelly Bang has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Mr. Bang's license based on RCW 9.46.075(1), (8), and (10) and WAC 230-03-085(1) and (8).

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

**In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

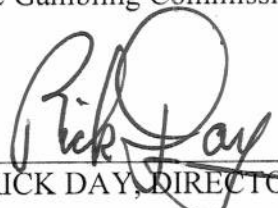
Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

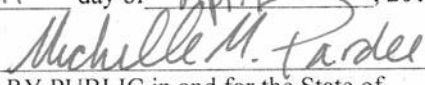
I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 11 day of April, 2011

Maureen Pretell  
Communications and Legal Department  
Washington State Gambling Commission

  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 11 day of April, 2011.

  
NOTARY PUBLIC in and for the State of  
Washington residing at Lacey  
My commission expires on 6/16/2013

